

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Cruz
 SERIAL NUMBER : 10/728,082 EXAMINER : Not Yet Assigned
 FILING DATE : December 3, 2003 ART UNIT : 1651
 FOR : Gastrin Compositions and Formulations and Methods of Use and Preparation

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

July 20, 2004
 Boston, Massachusetts

TRANSMITTAL LETTER

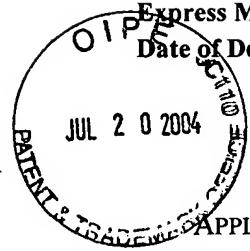
Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Response to Notice to File Missing Parts of Application (1 page);
2. Copy of Notice to File Missing Parts of Application (2 pages);
3. Combined Declaration and Power of Attorney For Patent Application (2 pages);
4. Check No. 19022 for \$130.00 (Declaration);
5. Petition for Two-Month Extension;
6. Check No. 19023 for \$420 (Petition);
7. Sequence Listing paper copy (4 pages);
8. Computer Readable Form of Sequence Listing (1 disk);
9. Statement in Support of Computer Readable Form Submission (1 page);
10. Request for Corrected Filing Receipt (1 page);
11. Copy of Filing Receipt (2 pages); and
12. Return Postcard.

Although Applicants believe that no additional fees are due with this submission, the Commissioner is authorized charge any deficiencies to Deposit Account No. 50-0311 (Reference No.: 24492-013-CIP). A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Sonia K. Guterman, Reg. No.: 44,729
 Attorney for Applicants
 MINTZ, LEVIN, COHN, FERRIS,
 GLOVSKY AND POPEO, P.C.
 One Financial Center
 Boston, Massachusetts 02111
 Tel: (617) 542-6000
 Fax: (617) 542-2241
 Customer No. 30623



Express Mail Label No.: EV392159765US
Date of Deposit: July 20, 2004

Attorney Docket No. 24492-013 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Cruz
SERIAL NUMBER : 10/728,082 EXAMINER : Not Yet Assigned
FILING DATE : December 3, 2003 ART UNIT : 1651
FOR : Gastrin Compositions and Formulations and Methods of Use and Preparation

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 20, 2004
Boston, Massachusetts

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Dear Sir:

Responsive to the Notice to File Missing Parts of Application dated March 31, 2004, Applicants submit herewith a copy of the Notice to File Missing Parts and an executed Combined Declaration and Power of Attorney, with a check in the amount of \$130.00, surcharge for filing a late Declaration for a small entity. Also enclosed is a Sequence Listing (paper copy), Computer Readable Form (disk) and Statement in Support of Computer Readable Form Submission, and a Petition for Two Month Extension, with a check in the amount of \$420.00 for the petition. Applicants also submit with this filing a Request for Corrected Filing Receipt and a copy of the Filing Receipt. Applicant states that this application is no longer entitled to small entity status.

Although Applicants believe no additional fees are due with this filing, the Commissioner is hereby authorized to charge payment of any fees or credit any overpayments to Deposit Account No. 50-0311, Ref. No. 24492-013-CIP.

Respectfully submitted,

Sonia K. Guterman, Reg. No.: 44,729
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623



07-21-04

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

1 FC 104

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,082	12/03/2003	Antonio Cruz	24492-013CIP

30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

CONFIRMATION NO. 7658

FORMALITIES LETTER



OC000000012236170

Date Mailed: 03/31/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

07/22/2004 DEMMANU1 00000036 10728082

01 FC:1051

130.00 0P

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$789** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1239** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$789**
 - **\$86** for **2** independent claims over **3**.
 - **\$558** for **62** total claims over **20**.
 - **\$145** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

[Handwritten signature]
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE